

J. Alan Mack
Associate General Counsel

Via Federal Express



December 11, 2002

Seth Ausubel
Remedial Project manager
United States Environmental Protection Agency
Region II
Emergency and Remedial Response Division
290 Broadway, 19th Floor
New York, NY 10007-1866

RE: Request for Information Pursuant to the Comprehensive Environmental Response,
Compensation and Liability Act, 42 U.S.C. Section 9601 *et seq.*, re: the Berry's Creek
Study Area, Bergen County, New Jersey.

Dear Mr. Ausubel:

This response is submitted on behalf of both Occidental Chemical Corporation ("OCC") and its indirect, 100% parent, Occidental Petroleum Corporation, both of which received the above-referenced Request. It is made consistent with the extension of time to respond which you granted, which enabled us to retrieve documents from litigation counsel in New Jersey, and review them for this response.

Answers to EPA's specific Requests for Information are set forth in the attached Responses to Requests for Information. Some brief background information may be of assistance to EPA.

OCC's involvement with the "Diamond Shamrock/Henkel Site", or "Site", as defined by EPA, was from September 4, 1986 until March 30, 1987. On the former date, an affiliate of OCC acquired the stock of Diamond Shamrock Chemicals Company, a company with which OCC had no prior affiliation, which then owned the Site. On the latter date, all of the stock of OCC's affiliate, Oxy Process Chemicals, Inc., which then owned the Site, was sold to Henkel Corporation, a company unaffiliated with OCC. All of the records and documents at the Site then



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left OCC's possession. As a result, OCC has only copies of a limited number of Site-originated documents, and OCC has (and to an even lesser extent Occidental Petroleum Corporation has) a limited number of documents generated prior to the 1986 acquisition of Diamond Shamrock Chemicals Company.

Although the process under the New Jersey Environmental Cleanup Responsibility Act ("ECRA") had begun by the time OCC relinquished control of the Site to Henkel in March 1987, the Site at that time had not been subject to a comprehensive environmental investigation. OCC believes that the ECRA process has been subsequently carried out by Henkel Corporation.

In 1998, in connection with litigation brought by owners of property adjacent to the Site (Morton International v. Allied Signal, et al.) the undersigned conducted interviews of then-current employees of OCC, who were former employees of Diamond Shamrock Chemicals Company, and concluded that there was no then-known current employee of OCC who was knowledgeable as to the operations and/or activities at the Site. As a result (and even though OCC is, from a legal perspective, the "successor" to Diamond Shamrock Chemicals Company) OCC's knowledge of the Site is limited to the relatively small amount of documentation in its possession. In addition, OCC possesses certain information on the Site generated in the Morton litigation. To a large extent, information generated in the Morton litigation, which may be responsive to EPA's Requests, constitutes allegations of the plaintiffs, which are unproven and contested by past and present owners of the Site, but are provided for completeness.

Copies of documents, or portions of documents, which had been relied upon in preparing OCC's responses are enclosed, except where the subject document is subject to the attorney-client privilege.

Very truly yours,



JAM/je

cc: Clay Moore
Assistant Regional Counsel

Occidental Chemical Corporation
and
Occidental Petroleum Corporation

Responses to EPA Request For Information
re: the Berry's Creek Study Area

December 11, 2002

1. a. State the correct legal name and mailing address of your Company.

Response:

Occidental Chemical Corporation ("OCC")
5005 LBJ Freeway
Dallas, Texas 75244

Occidental Petroleum Corporation ("OPC")
10889 Wilshire Boulevard
Los Angeles, California 90024

- b. Identify the legal status of your Company (corporation, partnership, sole proprietorship, specify if other) and the state in which your Company was organized or formed.

Response:

OCC – a corporation formed under the laws of New York.
OPC – a corporation formed under the laws of Delaware

- c. State the name(s) and address(es) of the President, Chairman of the Board, and the Chief Executive Officer of your Company.

Response:

OCC - The offices of President, Chairman of the Board, and Chief Executive Officer are currently vacant. There are currently two members of the Board of Directors of OCC. They are Scott A. King – Vice President and General Counsel, and Richard A. Lorraine, Executive Vice President and Chief Financial Officer. Both are located at 5005 LBJ Freeway, Dallas, Texas 75244.

OPC – The Chairman of the Board and Chief Executive Officer is Dr. Ray R. Irani. The President is Dr. Dale R. Laurence. Both are located at 10889 Wilshire Boulevard, Los Angeles, California 90024.

- d. If your Company is a subsidiary or affiliate of another corporation, or has subsidiaries, identify each such entity and its relationship to your Company, and state the name(s) and address(es) of each such entity's President, Chairman of the Board, and Chief Executive Officer.

Response:

OPC, through a large number of subsidiaries and affiliates explores for, develops, produces and markets crude oil and natural gas and manufactures and markets basic chemicals. OCC is one of such subsidiaries, and is 100% indirectly owned by Occidental Petroleum Corporation.

No other current subsidiary or affiliate has ever had any relationship to the Site. (Please see the response to Request 6, below.)

- e. Identify the State and date of incorporation and the agent for service of process in the state of incorporation and in the State of New Jersey for your Company and for each entity identified in your response to question 1.d., above.

Response:

OCC was incorporated in New York in 1909.

OPC was incorporated in Delaware in 1986.

The agent for service of process for each in its State of incorporation, and for both in New Jersey is The Corporation Trust Company.

- f. If your Company is a successor to, or has been succeeded by another entity, identify such other entity and provide the same information requested in question 1.e., above.

Response:

Neither OCC nor OPC has been succeeded by another entity. OCC is the successor to Diamond Shamrock Chemicals Company, a Delaware corporation, which was formed in 1928. The agent for the service of process upon this entity is the same as set forth in the response to (e) above.

2. Provide a description of the Site, *i.e.* the property or properties in Carlstadt, Bergen County, New Jersey, which your Company owned or upon which it operated or leased. Include Block and Lot numbers, names of streets or physical features bounding the property(ies), and acreage.

Response:

The "Site", as understood by OCC, is an approximately 11 acre parcel with an address of Berry Avenue at Route 17, Carlstadt, NJ 07072, Tax Lot No. 2, Tax Block No. 84.

3. Provide a narrative description of the nature of the Company's business. If the nature of the Company's business changed over time, please explain how it changed, (including any name changes) and approximately when the changes occurred.

Response:

The business carried out at the Site when OCC sold the Site as of March 30, 1987 (see response to 6, below) was the manufacture of products with a wide variety of uses, including wetting, penetrating and dispersing agents for agriculture and the paint and paper industries; dispersants and super-plasticizers for the concrete and oil industries; synthetic tanning agents and fixatives for the textile dyeing industry. The processes employed at the Site included sulfonation, condensation, esterification, filtration, batch distillation, gas-solids reaction, and compounding, crystallization, high vacuum evaporation. OCC believes that the general nature of these activities was similar throughout the ownership and operation of the Site by OCC's predecessor, Diamond Shamrock Chemicals Company ("DSCC"). OCC believes that DSCC (then named Diamond Shamrock Corporation), in 1976 acquired NOPCO, the then-owner of the Site. It is believed that manufacturing for the textile industry at the Site had been started by the Jacques Wolf Company, which had been acquired by NOPCO in 1959.

4. Please specify the time period during which the Company leased, owned, and/or operated the Site. If the Company leased, owned or operated at portions of the Site, specify the time periods of such involvement, and appropriate block and lot numbers. If your Company ever leased the Site, provide copies of leases, names, current addresses and telephone numbers of each owner of the Site during the period the Company leased the Site.

Response:

No information on leases or leaseholds was encountered in our review. The limited documents possessed by OCC do not indicate the existence of leases; nor do they indicate the extent to which, (or whether or not) prior ownership(s) involved portions of the Site less than all of the Site. As indicated in 3, above, OCC believes that its predecessor,

DSCC, owned the Site from 1976 up to (and continuing after) its acquisition by OCC as of September 4, 1986.

5. Describe the Site at the time the Company took possession of it. If there was any business at the Site, explain the nature of that business.

Response:

When OCC purchased the stock of DSCC in September 1986, the Site was as it had been for many years, a facility used for the manufacture of the products named in the response to 3, above, which employed the manufacturing processes also named in the response to 3, above. OCC also believes that the Site was largely the same when DSCC acquired it in 1976 in connection with DSCC's acquisition of NOPCO.

6. Describe in detail the nature of the relationship between the Company and each of the following entities: (1) Diamond Shamrock Corporation; (2) Diamond Shamrock Chemicals Company; (3) Oxy-Diamond Alkali Corporation; (4) Occidental Chemical Corporation; (5) Occidental Electrochemicals Corporation; (6) Oxy Process Chemicals, Inc.; (7) Henkel Corporation. Indicate the time and manner in which the relationships were established. Specifically address the relationships as pertaining to any current or past operations or ownership at the Site.

Response:

As of September 4, 1986, pursuant to a Stock Purchase Agreement, Oxy-Diamond Alkali Corporation purchased the stock of Diamond Shamrock Chemicals Company. Shortly thereafter, the name of Diamond Shamrock Chemicals Company was changed to Occidental Electrochemicals Corporation. Subsequently, both Occidental Electrochemicals Corporation and Oxy-Diamond Alkali Corporation have been merged into Occidental Chemical Corporation. Diamond Shamrock Corporation was a former name of Diamond Shamrock Chemicals Company, the name having been changed to Diamond Shamrock Chemicals Company in June 1983. (In 1983, the Diamond organization also created a new company which it named "Diamond Shamrock Corporation", and which became the parent of Diamond Shamrock Chemicals Company. OCC purchased the stock of Diamond Shamrock Chemicals Company from the "new" Diamond Shamrock Corporation. That entity is now named Maxus Energy Corporation.) Between September 4, 1986 and March 30 1987, OCC created a new entity, Oxy Process Chemicals, Inc. The Carlstadt facility (the "Site") was conveyed to this new entity, the stock of which was sold to Henkel Corporation as of March 30, 1987. Henkel Corporation is not affiliated with OCC.

7. Describe in detail the nature of the activities conducted by the Company at the Site from the time the Company began operations at the Site until the present time, including:

- a. the services performed at the Site;
- b. all products which the Company manufactured, supplied, or sold which resulted from activities at the Site;
- c. research and development activities; and
- d. the time period during which those activities occurred.

Response:

Please see the responses to requests 3, 4 and 5 above. No company affiliated with OCC has conducted activities at the Site since March 30, 1987. As to the products produced at the Site please see the list entitled "Finished Products and Numbered Raw Materials" submitted with this Response.

8. When did your Company cease operations at the Site? Describe the circumstances that precipitated your Company's decision to cease operations at the Site.

Response:

Effective March 30, 1987, the stock of OCC's affiliate, Oxy Process Chemicals, Inc., which then owned the Site, was sold to Henkel Corporation. This ended the presence at the Site by any OCC-related entity.

9. Did your company generate hazardous wastes at the Site? Please describe your Company's treatment, storage and/or disposal practices for any hazardous wastes generated at the Site.

Response:

The information available to OCC on the generation of hazardous wastes at the Site is included in the enclosed: New Jersey Department of Environmental Protection – Hazardous Waste Generator Annual Report 1985 (four pages); Diamond Shamrock Chemicals Co – Waste Minimization Plan – 1986; Eckhardt Survey Report Form (April 30, 1979); and Diamond Shamrock (Oxy Process Chemicals, Inc.) Wastes Produced. Information available to OCC about treatment, storage and/or disposal practices for hazardous wastes generated at the Site is very limited. As stated in the enclosed Draft Remedial Investigation Work Plan prepared by Woodward-Clyde Consultants (24 June 1986) (page 2-2) the primary wastes from plant operations "has been and continues to be" gypsum sludge, which, according to the Work Plan, for the prior 13 years had been disposed of in a local landfill. Prior to that the sludge was pumped to dewatering basins.

Please see also the documents referenced in the response to Request 16, below. In addition, information available to OCC in 1986 indicated that filter cloth, contaminated with sodium bisulfite, was generated at the rate of two drums per month and disposed off-site. Zinc filter cake had been previously sold to zinc companies for reclamation. Prior to 1982 wastewater still bottoms were disposed of at the SCA facility in Newark, New Jersey. Two lined lagoons (equalization basins) were closed with State concurrence and two unlined lagoons had been filled. In addition, an on-site solid waste disposal area containing unknown wastes existed. Note: All of this information of which OCC became aware in 1986 was then made available for the ECRA process described in response to Request 15, below.

10. Provide a list of all local, state and federal environmental permits ever granted for the Site or any part thereof (e.g., RCRA permits, NPDES permits, etc.)

Response:

OCC has limited information on permits at the Site. There is enclosed herewith: a Notice of Authorization Regarding an NJPDES-DSW, for discharge into the Berry's Creek; information available also indicates a permitted waste water discharge to the municipal sewage treatment system, which included neutralized floor washing and kettle washing effluents. In earlier eras, process waste waters were likely disposed to Berry's Creek. A RCRA Revision of Part A Application was submitted to NJDEP on January 19, 1987 by Oxy Process Chemicals, Inc. (copy enclosed). It also lists numerous air operating certificates.

11. List all hazardous substances (as defined in the "Instructions"), which were used, stored, or handled at the Site.

Response:

Please see the responses to requests numbers 9, 13 and 16 and the documents therein referenced. Please also see, for reference to potential hazardous substances which were used, stored or handled at the site, the following enclosed items: "Raw Materials Inventories" (two page list); and "Hazardous Substance Report" (for December 1986, January 1987 and February 1987).

12. State when and where each substance identified in your response to Question 11 was used, stored, or handled at the Site and the volume of each substance.

Response:

Other than as reflected in the documents submitted herewith OCC has no information responsive to this request.

13. Describe in detail how and where the hazardous wastes, industrial wastes, and hazardous substances generated, handled, treated, and stored at the Site were disposed of. If any hazardous wastes, hazardous substances, or industrial wastes were taken off-site for disposal or treatment, state the names and addresses of the transporters and the disposal facility used.

Response:

Please see the responses to requests numbers 9, 11, and 16, and the submitted documents referenced therein. See, specifically, in the "Draft Remedial Investigation Work Plan" (24 June 1986) that gypsum sludge previously placed in on-site equalization basins had been dug up and removed to the Bergen County Landfill; that sodium hydrosulfite filter cloths had been drummed and removed by Waste Conversions of Hatfield, Pennsylvania; that still bottoms from distillation facilities had been removed by SCA Corporation. Please also see the one-page listing entitled simply "CARLSTADT", which appears to list certain vendors for waste removal or treatment services.

14. Who determined where to treat, store, and/or dispose of the hazardous substances and/or hazardous wastes handled at the Site? Provide the names and current or last known addresses of any entities or individuals which made such determination.

Response:

OCC has located no information on the subject of this request.

15. Describe in detail the remedial activities conducted at Site under CERCLA, the Resource Conservation and Recovery Act (RCRA), and/or laws of the State of New Jersey. Describe your Company's involvement in the remedial activities.

Response:

The only remedial activities which OCC is aware of at the Site relate to the proceedings under New Jersey's ECRA which, OCC understands, have been in the process of implementation by Henkel Corporation since March 30, 1987. From the materials enclosed, you may see that Diamond Shamrock Chemicals Company initially started the ECRA process in mid-1986, and that the process was continued under Henkel starting March 30, 1987 (see the letter of August 25, 1987 from Henkel Corporation to the New Jersey DEP in this regard).

16. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred, or are occurring, at or from the Site. Specifically identify and address any leaks, spills, or releases to (1) the Berry's Creek

Study Area, and (2) the Ventron/Velsicol Superfund Site, identified as the approximately 40-acre properties located in Wood-Ridge and Carlstadt, Bergen County, New Jersey, and comprised of the following Block/Lots: Block 229, Lot 10.01[A], Borough of Wood-Ridge; Block 229, Lot 10.01[B], Borough of Wood-Ridge; Block 229, Lot 8, Borough of Wood-Ridge; and Block 84, Lot 5, Borough of Carlstadt. In addition, identify:

- a. when such releases occurred;
- b. how the releases occurred;
- c. the amount of each hazardous substances, pollutants, or contaminants so released (for substances contained in any sewage effluent from the Site, provide discharge monitoring reports or other data indicating discharge concentrations and loads, as available);
- d. where such releases occurred;
- e. where such releases entered the Berry's Creek Study Area, if applicable; and
- f. the pathway by which such releases entered the Berry's Creek Study Area, including any storm sewers, pipes, or other conveyances discharging to a water body or wetland; or via surface runoff, groundwater discharge, or any spills, leaks, or disposal activities.

Response:

OCC is not directly aware of leaks, spills or releases from the Site to the Berry's Creek Study Area or the Ventron/Velsicol Superfund site, other than as set forth in the allegations and supporting expert opinions of the plaintiffs in the pending litigation, (Morton v. Allied Signal, et al.), the NPDES permit for the Site to discharge to the Berry's Creek and the enclosed limited documentation of exceedances or violations with respect to this discharge avenue. In completeness of information for EPA, enclosed you will find copies of plaintiffs' expert reports prepared by Exponent, Trillium, Inc. and Kristen K. Stout, the conclusions of which are specifically denied by current and former owners of the Site. In addition, and for completeness, please find a portion of the deposition testimony of John Bratt, Jr., the substance of which is also denied by the present and former owners of the Site. In the same regard, an extract from plaintiffs' response to interrogatories is enclosed. In general, it is the contention of the plaintiffs that the Site has been the source of mercury, zinc, manganese, arsenic and PAHs discharged to the Ventron/Velsicol property, which is denied by the present and former owners of the Site.

17. Please complete the form on page 5, below. Indicate on the form whether each of the chemicals listed has ever been released from the Site to the Berry's Creek Study Area, including creeks, ditches, or other water bodies, or wetlands. Follow all additional instructions on the form. In addition, please answer Question 16, above, specifically addressing any chemicals for which you answered "yes".

Response:

OCC's documented information regarding the Site is far too old and limited to prepare a meaningful response on the form indicated, and OCC respectfully defers to the response which Henkel Corporation may make to this request, as Henkel is in possession of all of the Site's documents relevant to this response. From the information available to OCC, it appears that zinc, which is covered by the discharge monitoring report, would have been discharged by the Site to Berry's Creek pursuant to its permit.

18. Identify all companies, firms, facilities, and individuals (hereafter referred to as "customers") from whom your Company obtained materials containing Industrial Waste as defined in Number 6 of the Definitions and whose Industrial Waste was treated, stored, handled or disposed of at the Site. For each such customer:
- a. Describe the relationship (the nature of services rendered and products purchased or sold) between your Company and the customer;
 - b. Provide Copies of any agreements or/and contracts between your Company and the customer;
 - c. Provide the name and address of each customer who sent such materials, including contact person(s) within said customer;
 - d. Provide shipping and transaction records pertaining to such Industrial Wastes sent by each customer, including but not limited to invoices, delivery receipts, receipts acknowledging payment, ledgers reflecting receipt of payment, bills of lading, weight tickets, and purchase orders; and
 - e. Provide the name and address of all companies and individuals who transported Industrial Wastes to the Site.

Response:

To the best of OCC's knowledge, none.

19. For each customers' Industrial Wastes handled; treated, stored, or disposed of at the Site, describe:

- i. the volume;
- ii. the nature;
- iii. chemical composition;
- iv. color;
- v. smell;
- vi. physical state (e.g., solid, liquid);
- vii. any other distinctive characteristics; and
- viii. the years during which each customer's materials were handled, treated, stored, or disposed of at the Site.

Response:

To the best of OCC's knowledge, none.

20. Please supply any additional information or documents that may be relevant or useful to identify other companies or sources that sent industrial wastes to the Site.

Response:

To the best of OCC's knowledge, no other companies or sources sent industrial wastes to the Site.

21. Please state the name, title and address of each individual who assisted or was consulted in the preparation of your response to this Request for Information and correlate each individual to the question on which he or she was consulted.

Response:

J. Alan Mack, Associate General Counsel of OCC was the preparer of this Response to Request for Information.

22. For each question herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question and provide true and accurate copies of all such documents.

Response:

True and accurate copies of the documents consulted, examined or referred to in the preparation of the answers to the foregoing requests are recited in the responses to each such question.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of Texas

County of Dallas:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.

J. Alan Mack

NAME (print or type)

Associate
General Counsel

TITLE (print or type)

J. Alan Mack
SIGNATURE

Sworn to before me this 11th

day of Dec., 2002.

Sarah J. Almon
Notary Public

